

**THE HONORABLE MARY JO HESTON
CHAPTER 13
HEARING DATE: July 16, 2019
HEARING TIME: 1:00 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: July 9, 2019**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 19-41648-MJH

MICHELLE LEE WILLMS and
ANDREW LEROY WILLMS,

TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

Debtors.

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on May 20, 2019. The applicable commitment period is sixty months. The case is currently in the first month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is July 29, 2019. Scheduled unsecured claims total \$25,638.00. The plan as filed proposes 100% repayment to general unsecured filed and allowed claims.

OBJECTION

- 1 Plan is not feasible:
- 2
- 3 Plan is not proposed in good faith or is forbidden by law: Debtors have exempted
- 4 business supplies under RCW 6.15.010(1)(e)(ii), which applies to physicians, surgeons,
- 5 clergy, and attorneys. Debtors do not fall into any of the above categories, so the
- 6 exemption should be disallowed or the debtors should amend to another appropriate
- 7 exemption.
- 8 Plan fails to commit all excess disposable income for the applicable commitment period
- 9 as required by 11 U.S.C. § 1325(b)(1)(B):
- 10 Plan does not meet the best interests of creditors test as required by 11 U.S.C. §
- 11 1325(a)(4): Trustee reserves the right to object to the liquidation value of the estate
- 12 pending additional information.
- 13 Schedules or other documentation insufficient:
- 14 (1) Debtor must complete and return a copy of the trustee's business questionnaire for his
- 15 interest in Hurricane Butterfly LE. Furthermore, his interest in this business must be
- 16 fully disclosed in the schedules.
- 17 (2) Debtors must provide a complete list of all firearms and shooting supplies.
- 18 (3) Debtors must amend their schedules to list all bank accounts.
- 19 (4) Debtor must provide a balance sheet for his interest in Hurricane Butterfly LE that
- 20 covers the date of filing.
- 21 (5) Debtor must provide a K-1 for his interest in Hurricane Butterfly LE.

- 22 Other:

23 **WHEREFORE**, Trustee requests that the objection to confirmation be sustained and
24 debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14
25 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the
26 hearing on the next available motion calendar after the 14 days expires. If the Motion to
27 Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the
28 Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

1 **DATED** this 30th day of June, 2019.
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6 /s/ Matthew J.P. Johnson
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9 Matthew J.P. Johnson, WSBA# 40476 for
10 Michael G. Malaier, Chapter 13 Trustee
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13 **CERTIFICATE OF MAILING**
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15

16 I certify under penalty of perjury under the laws of the United States I caused to be
17 mailed via regular mail a true and correct copy of Trustee's Objection to Confirmation to the
18 following:
19
20

21 Andrew Leroy Willms
22 Michelle Lee Willms
23 16102 – 12th Ave. E.
24 Tacoma, WA 98445
25

26 The following parties received notice via ECF:
27
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29 Ellen Ann Brown
30 U.S. Trustee
31
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33 Executed at Tacoma, Washington this 1st day of July, 2019.
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36 /s/ Tracy Maher
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39 Tracy Maher
40 Motion Coordinator for
41 Chapter 13 Trustee
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